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Recodification of School Laws

Elementary & Secondary Education

Higher Education



Montana Legislative Council

December, 1970

Report No. 32

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RECODIFICATION OF SCHOOL LAWS

ELEMENTARY & SECONDARY EDUCATION

HIGHER EDUCATION

A REPORT TO THE FORTY-SECOND
LEGISLATIVE ASSEMBLY

by the

MONTANA LEGISLATIVE COUNCIL

December 1970

Report No. 32

To Members of the Forty-Second Legislative Assembly:

Probably the one thing that most legislators have in common is a sincere interest in our schools and their problems. The volume of school legislation introduced each session is evidence of this fact. Senate Joint Resolution No. 4 aptly pointed to the need for recodification and modernization of our present laws.

Because any suggested change in the sensitive area of school legislation is suspect by the many factions concerned with schools, the Subcommittee and the Council were doubly careful to be sure that the attached Recodification measure is "pure recodification" with no substantive changes.

Substantive changes were discussed in accordance with the directive of Joint Resolution No. 4 and suggested legislation is submitted separately herewith for your consideration.

The introduction of this report expresses the Council's appreciation to the many individuals who gave so freely of their time and effort in the Council's deliberations. To this I add my personal thanks and appreciation to the Subcommittee members who spent so many days of their valuable time in producing one of the best reports ever to be presented to the Legislature.

Respectfully submitted,

*SENATOR FRANK W. HAZELBAKER
Chairman
Montana Legislative Council*

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1969 - 1970

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SENATE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL RECODIFY THE PUBLIC SCHOOL LAWS AND LAWS PERTAINING TO THE MONTANA UNIVERSITY SYSTEM.

WHEREAS, the 1965 Legislature appropriated \$18,000 to the Legislative Council for a recodification of the public school laws contained in Title 75 of the Revised Codes of Montana 1947, and

WHEREAS, the Council was directed to recodify the school laws, but the recodification was restricted to a formal revision only involving the consolidation of duplicate provisions, elimination of conflicts, and the deletion of unnecessary and archaic language, and

WHEREAS, although the recodification was completed, the recodified school laws contained in Senate Bill No. 50 of the 1967 Legislative Session did not pass, and

WHEREAS, unless the recodification project is reviewed in detail in the near future, changes will make the work accomplished to date obsolete, and

WHEREAS, the statutes pertaining to the Montana University System have become obsolete and badly in need of change to reflect present-day needs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council is requested to prepare a formal revision of the laws pertaining to public schools contained in Title 75 of the Revised Codes of Montana 1947.

BE IT FURTHER RESOLVED, that the Legislative Council may, in its discretion also recommend changes in the substance of public school laws in addition to the formal revision of existing laws.

BE IT FURTHER RESOLVED, that the Legislative Council is requested to prepare a revision of the laws pertaining to the Montana University System making changes as deemed necessary and desirable to provide the state with a modern, effective code for the University System.

BE IT FURTHER RESOLVED, that the Council may appoint advisory persons or groups as it deems necessary in the conduct of this study.

BE IT FURTHER RESOLVED, that the Executive Secretary of the Montana University System, Superintendent of Public Instruction, and Attorney General are requested to consult and advise the Council during the recodification of the public school laws and the laws pertaining to the Montana University System.

BE IT FURTHER RESOLVED, that the Legislative Council is requested to prepare a formal written report and any legislation necessary to implement its recommendation for consideration by the Forty-Second Legislative Assembly.

BE IT FURTHER RESOLVED, that the Secretary of State is instructed to send copies of this resolution to the Executive Director of the Legislative Council, Executive Secretary of the Montana University System, Superintendent of Public Instruction, and the Attorney General.

INTRODUCTION

The Forty-First Legislative Assembly requested that the Legislative Council prepare a recodification of the Montana school laws by the passage of Senate Joint Resolution No. 4. The text of Senate Joint Resolution No. 4 is shown on the preceding page.

The Legislative Council, through its Subcommittee on School Laws, initiated the recodification study and drafting by dividing the material encompassed by Title 75 of the Revised Codes of Montana, 1947, into two major areas: (1) the elementary and secondary education, and (2) higher education.

To aid the Council, Mrs. Dolores Colburg, State Superintendent of Public Instruction, assigned Mr. John Campbell, Director of the Financial Support for Schools Educational Program in that office, and Mr. Larry Swift, attorney and educator whose qualifications include experience as counsel for a metropolitan school district.

The assistance of Mr. Edward Nelson, Executive Secretary of the Montana University System, and Dr. Gardner Cromwell of the University of Montana Law School, was enlisted for the preparation of the higher education recodification material.

In addition, Mr. Lloyd A. Markell, Assistant to the Executive Secretary of the Montana Education Association, and Mr. James J. Kenny, Executive Secretary of the Montana School Boards Association, met with the subcommittee in an advisory capacity.

It cannot be too emphatically stressed that the final decisions made on the recodification, both on the elementary and secondary school level and the university system, were made by the subcommittee. Beginning with the first meeting on March 19, 1969, a total of thirteen meetings, many of which were of two days' duration or more, were held. Each chapter and section of the proposed bill was examined in detail, sentence by sentence. It was the unanimous decision of the subcommittee that this report and the recodification be presented in its present form.

The Council wishes to express its appreciation for the cooperation of the Superintendent of Public Instruction and the Executive Secretary of the Montana University System. The Council also extends its thanks to Messrs. Campbell, Swift, Markell, Kenny and Dr. Cromwell whose expertise and countless extra hours of work have resulted in this report and the proposed legislation.

PART ONE

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER I

SCOPE OF THE RECODIFICATION

The scope of the recodification of the public school laws contained in Title 75, R.C.M., 1947, was prescribed by the Legislative Council to give guidance for the study and drafting. The basic directive for the preparation of the recodification was the exclusion of any substantive change. The purpose of the no-substantive-change directive was not to preclude any change of the provisions of the present statutes but was to limit the revision to the present application and the presently interpreted intent of the statutes contained in Title 75, R.C.M., 1947. With this approach to the limitation of substantive change, the Council directed the major purposes of the recodification as:

- (1) the reorganization of the present statutory provisions in a more logical sequencing;
- (2) consolidation of statutory material dealing with the same subject matter;
- (3) elimination of conflicts between existing statutory provisions; and
- (4) the deletion of unnecessary and archaic language.

Organization of Formal Revision

The elementary and secondary statutes of Title 75, R.C.M., 1947, encompass forty-five chapters dealing with subjects varying from teacher certification to public school transportation to the licensing of school textbook dealers. Since two of the purposes of the recodification were to consolidate and reorganize the present statutes, the Legislative Council prescribed a general organization for the study and drafting of the recodification of the elementary and secondary school statutes. The sequential framework of the general organization was established as follows:

- (1) Public Officials
- (2) School Personnel
- (3) Election
- (4) Organization of Schools and Districts
- (5) Finance
- (6) School Services
- (7) Sites and Facilities
- (8) Miscellaneous

The recodification was prepared within this general organizational framework and required twenty-eight chapters. A breakdown of the chapters by the organizational framework and a brief description of each chapter is given below:

Public Officials

The public officials area includes four chapters related to the officials performing duties for the public schools. One chapter has been prepared for each type of public official or agency: the Board of Education for the state, the Superintendent of Public Instruction, the County Superintendent, and the

Trustees of the district.

Each of the chapters has been organized on a similar basis. The method of the organization is: (1) authorization of the public official position and term, (2) method of assuming office and qualification, (3) causes of a vacancy and filling it, (4) organization and meetings (when a board), (5) general powers and duties of officials, (6) powers and duties prescribed by all other provisions of the recodified title, and (7) other powers and duties.

School Personnel

The chapters included in the school personnel area of organization constitute the statutes dealing with the professional school employee and the pupil. The statutes dealing with the professional school employee have been divided into three chapters, titled: (1) Teacher Certification, (2) School Personnel, and (3) Teachers' Retirement System. The Teacher Certification chapter contains the provisions for the issuance, denial, revocation and suspension of the various classifications of teacher certificates or an emergency authorization of employment. The School Personnel chapter includes the employment, dismissal from employment, and the powers and duties of teachers, principals and district superintendents. The School Personnel chapter continues the teacher tenure statute with the same provisions presently included in Section 75-2401, R.C.M., 1947. The present Chapter 27 of Title 75 is updated in the Teachers' Retirement System chapter of the recodification.

The last chapter of this area, Pupils, prescribes the compulsory enrollment and attendance, admittance, duties and sanctions, elementary and high school tuition, fees, and extracurricular fund provisions of the present statutes. This chapter represents the consolidation of several, scattered statutes in the present law.

Election

The election area of the recodification organization is a chapter called "School Election." The present school election statutes provide various means of conducting the thirty-three different types of elections that a district may call. Registration of electors may or may not be required. The time of posting election notices varies between types of elections. The time the election polls must be open varies between classification of districts. These and other variances in school election procedures led the Council to the conclusion that the school law revision should establish a uniform election procedure for each of the thirty-three elections, no matter what classification of district conducts the election.

The prescription of a uniform election procedure was made in the recodification material in consideration of the general state election laws contained in Title 23, R.C.M., 1947, and the most commonly used procedure in the present school election laws. Briefly, the recodified School Election chapter provides one method for calling elections, uniform poll hours regardless of district classification, uniform elector qualifications with registration, a county registrar list of qualified electors, bases for elector challenging, a uniform method for the actual conduct and supervision of the election, the procedure for canvassing the election results and the issuance of an election certificate, and a uniform timing of the election procedure.

Organization of Schools and Districts

The Districts and School Organization chapters compose the statutes of the organization of schools and districts area of organization of the recodification. The Districts chapter contains all of the provisions of the present statutes for changing elementary and high school district boundaries. These provisions include consolidation, annexation, joint district formation, abandonment, dissolution of joint districts, transfer of territory, creation

of new districts, and high school districting by the county high school boundary commission. The Districts chapter begins with a recognition of all districts and district boundaries as they exist on the effective date of the act.

The School Organization chapter includes the statutes that describe the organization of the schools of a district, the procedures for opening a school, the method of closing a school, and the school isolation provisions.

Finance

The finance area of the recodification organization constitutes seven chapters dealing with all the aspects of school finance. These chapters are as follows: (1) School Budget System, (2) School Financial Administration, (3) General Fund, (4) Transportation, (5) Bonds, (6) Other School Funds, and (7) Miscellaneous Financial.

The General Fund chapter represents a consolidation of present Chapter 17 of Title 75 which provides the elementary district budgeting procedure and Chapter 45 of Title 75 for high school district budgeting. The present budgeting procedure is retained in the recodified chapter.

The School Financial Administration chapter places all of the various provisions of present Title 75 for the administration of school monies under one chapter. This chapter contains the statutes prescribing the expenditure and receipts of budgeted and nonbudgeted funds. In doing so, the duties of the County Treasurer and the Trustees are established, the audit of school district accounts is prescribed, the bid-letting requirements for districts are stated, and the District and County Treasurer procedures for issuing and handling warrants are provided.

The General Fund chapter contains all of the present enabling and financing statutes for the school foundation program, the permissive levy, and the additional (voted or special) levy. In assembling these statutes in one chapter, they are organized in the sequence of the need for information as the financing of the foundation program and the general fund is computed. The sequence is: (1) ANB, (2) foundation program schedule, (3) interest and income monies, (4) county equalization monies, (5) state equalization aid, (6) additional county levy for state deficiency, (7) permissive levy, (8) additional district levy authorization by an election and the use of the authorized additional district levy, (9) other revenue to finance district obligation, and (10) the computation of the net general fund levy on the district.

The Transportation chapter not only includes the financing of the school transportation program but also includes the provisions for the administration and operation of the school transportation program. On this basis, this chapter includes the present provisions for school bus standards and inspection, school bus driver qualifications and licensing, state supervision, contracting for bus operation and individual provision of transportation, county transportation committees, reimbursement of transportation expenditures by the state and county, and budgeting for transportation.

The Bonds chapter is a recodification of the present Chapter 39 of Title 75. The present procedure, provisions and conditions of school district bonding are retained in this chapter of the recodified material. The bonding procedure for county high schools has been added. Only archaic material has been deleted in the revised draft.

The Other School Funds chapter is a consolidation of the several present provisions for the school funds other than the general, transportation, bus depreciation reserve, and the debt service funds. The revised material enables the establishment of the fund, defines the purpose of the fund, and, when applicable, requires a budget and authorizes a levy. The funds included in this chapter are: (1) elementary tuition, (2) retirement, (3) building reserve, (4) adult education, (5) post-secondary vocational-

technical center, (6) non-operating, (7) school food services, (8) miscellaneous federal programs, (9) building, (10) housing and dormitory, (11) traffic education, and (12) interlocal cooperative agreement.

As the name implies, the Miscellaneous Financial chapter is used to pick up any financial statutes that were not included in the other six chapters dealing with school finances. Provisions for the state public school fund, financial administration of an interlocal cooperative agreement, state acceptance of federal monies, joint interstate school agreements, and gifts to schools are included in this chapter.

School Services

The purpose of the school services area of the organization of the revision is to organize all the general and specific provisions of the present statutes related to the instructional program and other services provided by schools. In order to do this, the school services area has been divided into eight chapters which include: (1) School Calendar, (2) Instructional Services, (3) Textbooks, (4) Vocational Education, (5) Special Education, (6) Traffic Education, (7) School Food Services, and (8) Community College Districts.

The School Calendar chapter sets out the statutes establishing the school fiscal year, instruction year, instruction day, holidays, pupil-instruction-related day, and commemorative days.

The Instructional Services chapter provides for the accreditation standards and the basic course requirements for the instructional program of a school. After making these basic requirements, several discretionary instructional provisions are made for programs such as kindergarten, adult education and school libraries.

The Textbooks chapter prescribes the present statutory requirements for textbook selections, textbook dealer licensing, and filing of textbooks with the Superintendent of Public Instruction.

The present statutes dealing with vocational education have been consolidated in the Vocational Education chapter of the recodified material. The organization of this chapter allows for the general description and provisions for vocational education at the outset and the post-secondary vocational-technical center statutes follow the general material.

The Special Education chapter is a reorganization of the present special education law to allow a more logical presentation of the provisions of the law.

The present driver education statutes of Chapter 53 of Title 75 have been retained in the Traffic Education chapter.

The School Food Services chapter is the recodification draft replacement of the present Chapter 48 of Title 75, School Lunch chapter.

Present Chapter 44 of Title 75 dealing with community college districts has been incorporated in the recodification chapter given the same title, Community College Districts.

Sites and Facilities

The sites and facilities area of the recodification organization is one chapter. This chapter is identified as School Sites and Facilities. Each provision of the present statutes related to a district's selection of a site, acquisition or disposition of school real property, construction of school buildings, leasing property for school purposes, leasing school property and insuring school property is included in this chapter.

Miscellaneous

The last area of the organization of the revision is placed in the Miscellaneous chapter. As the name implies, this chapter contains several minor statutes of the present law. These include statutes on fines and penalties, oath of office, county attorney as the legal advisor, fire drills and instruction, and school safety patrols.

CHAPTER II

SUBSTANTIVE CHANGES

During the course of the study of the school laws, the Legislative Council discovered several provisions of the present statutes that are in need of substantive change. As a subsequent function to the recodification and separate from the recodification draft, the Council reviewed the proposed substantive changes. Ten substantive changes have been recommended to be prepared and submitted to the Forty-Second Legislative Assembly as separate legislation from the recodification legislation. The recommended substantive changes are described below.

Teacher attendance at a state teachers' association annual session (Appendix A, page 23). Section 75-6111 of the recodified statutes allows the trustees of a school district to close the schools of the district to allow the teachers to attend the annual session of a state teachers' association. Such closure and attendance is not to result in a loss of salary by the teacher.

At the present time, most districts of the state close the schools to allow the teachers to attend an annual teachers' association session. A large majority of the teachers either attend the session or perform professional duties in the district, but a few use the released time for vacation purposes. The intent of the recommended substantive change is to allow four alternatives to the trustees of a district. These alternatives are:

- (1) to close the schools to allow the attendance and:
 - (a) pay the salary of each teacher attending the annual teachers' association session;
 - (b) pay the salary of each teacher performing professional duties for the district in lieu of attending the session; or
 - (c) not pay the salary of each teacher who does not attend the session or perform professional duties; or
- (2) keep the schools open during the annual teachers' association session.

Elector qualification for school district bonding and other taxation propositions (Appendix B, page 25). Section 75-6411 of the recodified statutes prescribes the qualifications a person must possess in order to be qualified to vote on propositions for the issuance of school district bonds and for other additional property taxation.

On June 23, 1970, the United States Supreme Court issued an opinion in the case of City of Phoenix, Arizona v. Emily Kolodziejski. The issue considered in this case was the disenfranchisement of a person who does not pay property taxes at an election involving a city bonding proposition. The court held that such a person could not be disenfranchised in a bonding election. In ruling in favor of the appellee, it was held that a person's franchise could not be denied merely because he was not a real property taxpayer. While the circumstances surrounding the Kolodziejski case are not completely comparable with the Montana school bonding statutes, the United States Supreme Court made a general interpretation of state statutes similar to our statutes. The interpretation was:

Third, the justification for restricting the franchise to the property owners would seem to be strongest in the case of a municipality which, unlike Phoenix, looks only to property tax revenues for servicing general obligation bonds. But even in

such a case the justification would be insufficient

Communication with various bonding firms that have purchased Montana school district bond issues in the past indicates that they will not purchase future bond issues until Montana statutes have been amended to complement the United States Supreme Court case cited above. In view of this, the Council recommends that the statutes for school bonding and other taxation propositions be amended. Such amendment would repeal the property taxpayer qualification and allow otherwise-qualified electors to vote.

Minimum liability insurance for school buses (Appendix C, page 33). The recodified Section 75-7011 establishes the minimum limitation of \$7,500 per person and \$50,000 for each accident for school buses. Recognizing the inadequacy of these amounts in the present day, the Council recommends that these amounts be increased to \$10,000 per person and \$100,000 for each accident.

School bus transportation areas and bus routing (Appendix D, page 35). Section 75-7015 of the recodified codes prescribes the method for the establishment of school bus transportation areas and the routing of buses within these areas by the county transportation committee. After the first annual designation of the transportation area and bus routing has been made by the county transportation committee, the board of trustees of any district may appeal to the county transportation committee for a reconsideration of its decision. In addition to the trustee appeal procedure, twenty percent of the qualified electors of a district may attempt to reverse the decision of the county transportation committee by petitioning for an election to consider a proposition to establish a different bus transportation area or bus routing.

In the past several years, the election procedure has not been used. Also it appears to be a cumbersome administrative procedure to provide two separate methods for the appeal of one decision or the subsequent appeal of an appealed decision. Thus, the Council recommends that the election procedure be repealed to eliminate one of the appeal methods.

Coordination of school election statutes with general election law (Appendix E, page 37). The School Election chapter of the recodified Title 75 was prepared by coordinating the material in it with the state general election law in Title 23, R.C.M., 1947, as amended in 1969. While most of the school election provisions could be drafted to eliminate any conflicts with the general election law, references to a first-class school district in Title 23 must be changed to allow the complete implementation of the recodified School Election chapter.

The Council recommends that Sections 23-3023 and 23-3027, R.C.M., 1947, be amended to delete the reference to a first-class school district so that the sections will refer to any class of district. Also, it has recommended that Section 23-3023 be amended to require the listing of each elector's school district of residence.

Prohibition for the establishment of high school districts in certain counties (Appendix F, page 39). Section 75-6520 of the recodified statutes authorizes the trustees of a high school in a county that has not been divided into high school districts to request such a division. However, this section includes a prohibition that does not allow the trustees of a high school in a county with more than 45,000 population in 1930 to request such a division. Since this provision affects only one county of the state and all the other counties of the state have been districted for high school purposes, the Council recommends that this prohibition be repealed. The repeal would allow a high school districting of the remaining county if the board of trustees for a high school of the county wished to have this type of districting.

Modifications of community college district statutes (Appendices G-1, -2, -3). The Council recommends the amendment of three community college statutes. The first statute, Section 75-8112 (Appendix G-1, page 41) of the recodified

cation, deals with the results of an organization election for a community college district. The amendment would require the approval of the community college district by the total votes on the proposition rather than a fragmentation of the total votes on a geographic basis to allow the organization of the community college district.

The second proposed amendment, Section 75-8125 (Appendix G-2, page 43) of the recodification, deals with the annexation of additional territory to the community college district. It would allow the introduction of a proposition to annex territory to a community college district by the electors of the affected territory only. Presently, such a proposition may be introduced either by the electors or by the board of trustees of the community college district.

The third proposed amendment is of Section 75-8117 (Appendix G-3, page 45) of the recodification. It would require a minimum time for notification of the members of a special meeting of the board of trustees of a community college district. Normally a 48-hour notification time limit is placed on the calling of special board meetings for governmental agencies. Since no time limitation has been made for a community college district board of trustees, the amendment would add the 48-hour notification time limit.

Trustee conflict of interest (Appendix H, page 47). No provision for trustee conflict of interest has been included in the recodified school statutes since no such provision is made under the present statutes. In view of this, the Council recommends that a conflict of interest statute be enacted for school trustees.

PART TWO

HIGHER EDUCATION

CHAPTER I

ORGANIZATION OF FORMAL REVISION

The recodification of "Higher Education" code sections, encompassing Sections 75-107 through 75-4707, relate directly to the constraints stated in Chapter I, "Scope of the Recodification," Part One of this report. This "scope" recognizes the additional need for substantive revision in the form of "model" legislation to be submitted to subsequent legislatures. The framework established by the higher education laws study group and the Legislative Council includes the following:

- Chapter 1. Establishment of System
- Chapter 2. Administration
- Chapter 3. Finance
- Chapter 4. Students
- Chapter 5. Miscellaneous

Establishment of System

Chapter 1 contains code sections defining common terms relating to higher education. It establishes the right of the state alone to the use of the title, "Montana University System," as well as describing the purposes of the various units of the University System, including the Bureau of Mines and Geology and the Agricultural Experiment Station.

Administration

Chapter 2 contains code sections describing authority for governance and administration listing the powers and duties for the parts of the chapter which are listed as Part 1, Regents; Part 2, Local Boards; and Part 3, Presidents.

Finance

This chapter includes code sections for the collection, distribution and use of funds received from the federal government, gifts, grants, sales and earnings of several programs within the Montana University System.

Students

This chapter contains those code sections describing who is a student as well as definitions relating to questions of residency for fee payment purposes within the University System.

Miscellaneous

This chapter includes several code sections describing the authority to establish programs related to, but not a part of, the University System, as well as several requirements of the law, such as the taking of an oath and the establishment of the Montana Law Enforcement Academy.

CHAPTER II

SUBSTANTIVE CHANGES

There are two recommendations for substantive revision -- a revision of Agricultural Experiment Station codes and a revision of the duties of Local Executive Boards. This includes the common establishment in "model" form of the Agricultural Experiment Station and various substations (Appendix I, page 49).

The Local Executive Boards section would be correlated with existing law which, within the scope of the Regents' authority, is the power to "confer upon the executive board of each of the units of the system such authority as may be deemed expedient other than authority relating to financial matters or the selection of the teachers, employees and faculty" (Appendix J, page 53).

CONCLUSIONS AND RECOMMENDATIONS

The Council's study of the school laws in Title 75, R.C.M., 1947, has revealed several instances of poor organization of the statutes, conflicting statutory provisions, and archaic language. Since the recodification will correct these objectionable features of the present statutes, the Council recommends the passage of the elementary and secondary education and the higher education recodification bills by the Forty-Second Legislative Assembly.

A P P E N D I C E S

APPENDIX A

_____ BILL NO. _____

INTRODUCED BY _____

75-6111

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-6111, R.C.M., 1947, PROVIDING ALTERNATIVES FOR TEACHERS DURING THE STATE TEACHERS' ASSOCIATION CONVENTION."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-6111, R.C.M., 1947, is amended to read as follows:

"75-6111. Attendance of state teachers' association annual session. ~~The teachers of any district shall be allowed to attend the annual session of the state teachers' association without loss of salary for those days of the session for which the trustees close the schools of the district.~~ When the trustees of a school district close the schools of the district for the annual session of the state teachers' association, a teacher may (1) attend the annual session without loss of salary, or

(2) work at his school and perform duties related to his position of employment as may be prescribed by the trustees, without loss of salary.

If a teacher does neither (1) nor (2) above, he shall not be paid."

APPENDIX B

BILL NO. _____

INTRODUCED BY _____

75-6410, 75-6412, 75-6414, 75-6509, 75-6516, 75-6923, 75-7112, 75-7113, 75-7114, 75-7117, 75-7134, 75-7205, 75-6411

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL THE TAXPAYER QUALIFICATION OF ELECTORS VOTING AT SCHOOL ELECTIONS FOR ISSUING SCHOOL DISTRICT BONDS, ADDITIONAL LEVY FOR GENERAL FUND, CONSOLIDATION OR ANNEXATION WITH ASSUMPTION OF BONDED INDEBTEDNESS, AND BUILDING RESERVE FUND AUTHORIZATION; TO REPEAL THE TAXPAYER QUALIFICATION OF PETITIONERS FOR ELEMENTARY DISTRICT TERRITORY TRANSFER; AMENDING SECTIONS 75-6410, 75-6412, 75-6414, 75-6509, 75-6516, 75-6923, 75-7112, 75-7113, 75-7114, 75-7117, 75-7134, AND 75-7205, R.C.M., 1947; REPEALING SECTION 75-6411, R.C.M., 1947; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-6410, R.C.M., 1947, is amended to read as follows:

"75-6410. Qualification of elector. ~~Except-as-provided-in-section 75-6411, every~~ Any person is entitled to vote at school elections if he has the following qualifications: (1) He has registered to vote with the county registrar in the manner provided by the general state election laws except in regard to the closure of elector registration as provided in section 75-6413;

(2) He is ~~twenty-one-{21}~~ nineteen (19) years of age or older;

(3) He has resided in the state one (1) year and in the district thirty (30) days immediately preceding the election at which he offers to vote; and

(4) He is a citizen of the United States.

No person convicted of a felony has the right to vote unless he has been pardoned.

No person adjudicated insane has the right to vote unless he has been restored to capacity as provided by law."

Section 2. Section 75-6412, R.C.M., 1947, is amended to read as follows:

"75-6412. Elector challenges. Any person offering to vote in a school election may be challenged by any elector of the district on any of the grounds for challenge established in section 23-3611, R.C.M. 1947. Such challenge shall be determined in the same manner, using the same oath as provided in chapter 36 of title 23, R.C.M. 1947.

~~Any person offering to vote in a school election to authorize property taxation or to authorize indebteding a district by the issuance of bonds may be challenged by any elector of the district as to his taxpayer status and the judges shall administer the following oath to the challenged person: "You do swear (or affirm) that you are a taxpayer on the last assessment roll for this school district."--Such oath or affirmation shall be reduced to writing and signed by the challenged person and sworn to before one of~~

the election judges;--if the voter takes the oath or affirmation, his vote shall be received; otherwise, it will be rejected;--Such oath or affirmation shall be recorded in conformity with the provisions of section 23-3617, R.C.M., 1947 and the signed oath or affirmation shall be returned with the ballots to the trustees.

Any person who shall offer to vote and is denied the privilege to vote in a school election to authorize property taxation or to authorize indebtedness of a district by the issuance of bonds because he is not identified as a "taxpayer" on the polling place list of registered electors may challenge the validity of the taxpayer designation of such list, and the judges shall administer the following oath to such person:--"You do swear (affirm) that you are a taxpayer on the last assessment roll for this school district." Such oath or affirmation shall be reduced to writing and signed by the challenging person and sworn to before one of the election judges;--If the voter takes the oath or affirmation, his vote shall be received; otherwise, it will be rejected;--Such oath or affirmation shall be recorded in conformity with the provisions of section 23-3617, R.C.M., 1947 and the signed oath or affirmation shall be returned with the ballots to the trustees.

Any person who shall have been challenged under any of the provisions of this section or has challenged the taxpayer designation of the list of registered electors and who shall swear or affirm falsely before any school election judge shall be guilty of perjury and shall be punished accordingly."

Section 3. Section 75-6414, R.C.M., 1947, is amended to read as follows:

"75-6414. Listing of registered electors. After closing registration the county registrar shall prepare a list of registered electors for each polling place established by the trustees. The list for each polling place shall be prepared in the format of a precinct register book. The registrar shall stamp "taxpayer" beside the name of an elector who is a taxpayer on property within the district and whose name appears on the last completed assessment roll of the county for state, county, and school taxes to show that he is qualified to vote for a proposition in a school election requiring taxpayer status of the electors."

Section 4. Section 75-6509, R.C.M., 1947, is amended to read as follows:

"75-6509. Consolidation or annexation election with assumption of bonded indebtedness. A consolidation election involving the mutual assumption of bonded indebtedness by the elementary districts to be consolidated, as prescribed in section 75-6506, or an annexation election involving the joint assumption of bonded indebtedness by the elementary district to be annexed, as prescribed in section 75-6508, shall comply with the following procedures in addition to those prescribed by this title for other school elections: (1)--Ballots in two distinctly different colors shall be used, and separate ballot boxes shall be provided to segregate the ballots one color from another:

(a)--In a consolidation election both colored ballots shall read, after stating the consolidation proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of bonded indebtedness."

(b)--In an annexation election both colored ballots shall read, after stating the annexation proposition, "FOR annexation with assumption of bonded indebtedness" and "AGAINST annexation with assumption of bonded indebtedness."

(2)--Electors who are taxpayers and qualified to vote under the provisions of section 75-6411 shall vote with ballots of one of the colors, and non-taxpaying electors who are qualified to vote under the provisions of section 75-6410 shall vote with ballots of the other color.

(1) In a consolidation election the ballots shall read, after stating the consolidation proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of bonded indebtedness."

(2) In an annexation election the ballots shall read, after stating the annexation proposition, "FOR annexation with assumption of bonded indebtedness" and "AGAINST annexation with assumption of bonded indebtedness."

(3) Any elector qualified to vote under the provisions of section 75-6410 may vote.

~~(3)~~ (4) When the trustees in each elementary district conducting an election canvass the vote under the provisions of section 75-6423, they shall decide according to the following procedure, if the proposition has been approved:

(a) Determine if a sufficient number of the qualified, ~~taxpaying~~ electors of the district have voted to validate the election and have voted to approve the election proposition in the same manner required for bond elections by section 75-7117; and

(b) When the proposition is approved under subsection (3)(a), determine the number of votes 'FOR' and 'AGAINST' the proposition, ~~that have been cast on the separate ballots by the electors who were not qualified as taxpayers;~~

~~(c) --Add the vote tallies "FOR" and "AGAINST" as determined in subsection (3)(b) to the corresponding tallies determined in subsection (3)(a) --~~

The proposition shall be approved in the district if ~~the sums of the "FOR" and "AGAINST" votes of the two categories of electors show that a majority of the total votes cast approved the proposition~~ a majority of those voting approve the proposition. If the proposition is disapproved under either the provisions of subsection (3)(a) or (3)~~(c)~~(b), the proposition shall be disapproved in the district."

Section 5. Section 75-6516, R.C.M., 1947, is amended to read as follows:

"75-6516. Transfer of territory from one elementary district to another. A majority of the electors of any elementary district, who are qualified to vote under the provisions of section ~~75-6411~~ 75-6410 and who reside in territory which is a part of an elementary district, may petition the county superintendent to transfer such territory to another elementary district when: (1) such territory is contiguous to the district to which it is to be attached;

(2) such territory is not located within three miles, over the shortest practical route, of an operating school of the district from which it is to be detached; and

(3) the transfer of such territory will not reduce the taxable value of the district to less than seventy five thousand dollars (\$75,000) unless the remaining territory of the district will contain not less than fifty thousand (50,000) acres of nontaxable Indian land.

The petition shall be addressed to the county superintendent and shall describe the territory that is requested to be transferred and to what district it is to be transferred, state the reasons why such transfer is requested and state the number of elementary school-age children residing in such territory.

On receipt of a valid petition for a territory transfer, the county superintendent shall file such petition, set a hearing place, date, and time

for consideration of the petition that is not more than forty (40) days after receipt of the petition and give notice of the place, date, and time of the hearing. The notices shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one such notice posted in the territory to be transferred.

The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of the affected districts shall be heard. If the county superintendent shall deem it advisable and in the best interests of the residents of such territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall, by order, deny the request. Either of the orders shall be final thirty (30) days after its date unless it is appealed to the board of county commissioners by a resident or taxpayer of either district affected by the territory transfer. The decision of the board of county commissioners, after a hearing on such matter and consideration of the material presented at the county superintendent's hearing, shall be final.

Whenever a petition to transfer territory from one elementary district to another elementary district would create a joint elementary district or affect the boundary of an existing joint elementary district, the petition shall be presented to the county superintendent of the county where the territory is located. Such county superintendent shall notify any other county superintendents of counties with districts affected by such petition and the duties prescribed in this section for the county superintendent and the board of county commissioners shall be performed jointly by such county officials."

Section 6. Section 75-6923, R.C.M., 1947, is amended to read as follows:

"75-6923. Additional levy for general fund and election for authorization to impose. The trustees of any district may propose to adopt a general fund budget in excess of the general fund budget amount for such district as established by the schedule in section 75-6905 for any of the following purposes: (1) building, altering, repairing or enlarging any schoolhouse of the district;

(2) furnishing additional school facilities for the district;

(3) acquisition of land for the district;

(4) proper maintenance and operation of the school programs of the district.

When the trustees of any district determine that an additional amount of financing is required for the general fund budget that is in excess of the statutory schedule amount, the trustees shall submit the proposition of an additional levy to raise such excess amount of general fund financing to the electors who are qualified, under section ~~75-6411~~ 75-6410, to vote upon such proposition. Such special election shall be called and conducted in the manner prescribed by this title for school elections. The ballot for such election shall state the amount of money to be raised by additional property taxation, the approximate number of mills required to raise such money, and the purpose for which such money will be expended, and it shall be in the following format:

PROPOSITION

Shall a levy be made in addition to the levies authorized by law in such number of mills as may be necessary to raise the sum of (state the amount to be raised by additional tax levy), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional tax levy is made)?

- ☐ FOR the additional levy.
- ☐ AGAINST the additional levy.

If the election on any additional levy for the general fund is approved by a majority vote of those electors voting at such election, the proposition shall carry and the trustees may use any portion or all of the authorized amount in adopting the preliminary general fund budget. The trustees shall certify the additional levy amount authorized by such a special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy such number of mills on the taxable value of all taxable property within the district as prescribed in section 75-6926, as are required to raise the amount of such additional levy.

Authorization to levy an additional tax under the provisions of this section shall be effective for only one school fiscal year and shall be authorized by a special election conducted before the first day of August of the school fiscal year for which it is effective. Only one such additional levy for the maintenance and operation of the school programs of a high school district may be imposed by a high school district in a given school fiscal year."

Section 7. Section 75-7112, R.C.M., 1947, is amended to read as follows:

"75-7112. Form, contents and circularization of petition proposing school district bond election. Any petition for the calling of an election on the proposition of issuing school district bonds shall: (1) plainly state each purpose of the proposed bond issue and the estimated amount of the bonds that would be issued for each purpose;

(2) be signed by not less than twenty per cent (20%) of the school district electors qualified to vote under the provisions of section ~~75-6411~~ 75-6410 in order to constitute a valid petition;

(3) be a single petition or it may be composed of more than one petition, all being identical in form, and after being circulated and signed they shall be fastened together to form a single petition when submitted to the county registrar;

(4) be circulated by any one or more qualified electors of the school district; and

(5) contain an affidavit of each registered elector circulating a petition attached to the portion of the petition he circulated. Such affidavit shall attest to the authenticity of the signatures and that the signers knew the contents of the petition at the time of signing it."

Section 8. Section 75-7113, R.C.M., 1947, is amended to read as follows:

"75-7113. Validation of petition and county registrar's certificate. The petitioners for a school district bond election shall submit their petition to the county registrar of the county where the school district is located for validation of the signatures on the petition. The county registrar shall examine the petition and shall attach or endorse thereon a certificate which shall state: (1) the total number of electors of the school district who are, at the time, qualified to vote under the provisions of section ~~75-6411~~ 75-6410;

(2) which and how many of the persons whose names are subscribed to the petition possess the qualifications to vote on a bond proposition; and

(3) whether the number of qualified signers established in subsection

(2) is more or less than twenty per cent (20%) of the total number of qualified electors established in subsection (1).

After completing the examination, the county registrar shall immediately send the petition and his certificate to the school district. The county registrar shall not receive compensation for the examination of school district bond petitions."

Section 9. Section 75-7114, R.C.M., 1947, is amended to read as follows:

"75-7114. Trustees' consideration of validated petition proposing bond election. When a school district receives a school district bond petition from the county registrar, a meeting of the trustees shall be called for the consideration of the petition. The trustees shall be the judges of the adequacy of the petition and their findings shall be conclusive against the school district in favor of the innocent holder of bonds issued pursuant to the election called and held by reason of the presentation of such petition. The petition shall be valid if the trustees find that it is in proper form and bears the signatures of not less than twenty per cent (20%) of the school district electors who are qualified to vote under the provisions of section ~~75-6411~~ 75-6410."

Section 10. Section 75-7117, R.C.M., 1947, is amended to read as follows:

"75-7117. Determination of approval or rejection of proposition at bond election. When the trustees canvass the vote of a school district bond election under the provisions of section 75-6423, they shall determine the approval or rejection of the school bond proposition in the following manner: (1) determine the total number of electors of the school district who are qualified to vote under the provisions of section ~~75-6411~~ 75-6410 from the list of electors supplied by the county registrar for such school bond election;

(2) determine the total number of qualified electors who voted at the school bond election from the tally sheet or sheets for such election;

(3) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (2) by the amount determined in subsection (1); and

(4) when the calculated percentage in subsection (3) is forty per cent (40%) or more, the school bond proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(5) when the calculated percentage in subsection (3) is more than thirty per cent (30%) but less than forty per cent (40%), the school bond proposition shall be deemed to have been approved and adopted if sixty per cent (60%) or more of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(6) when the calculated percentage in subsection (3) is thirty per cent (30%) or less, the school bond proposition shall be deemed to have been rejected.

If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for such school district bond election."

Section 11. Section 75-7134, R.C.M., 1947, is amended to read as follows:

"75-7134. Purposes and petition for county high school bonds. Any county where a county high school that has not been placed in a high school district is located may become indebted by the issuance of bonds for the purposes of: (1) purchasing or erecting a building or buildings for high school purposes;

(2) remodeling, enlarging, or repairing a building or buildings for high school purposes;

(3) purchasing equipment for high school purposes;

(4) purchasing, erecting, or equipping a high school dormitory or gymnasium;

(5) purchasing a suitable site or sites for such high school building; or

(6) refunding or redeeming any outstanding bonds originally issued for any of the foregoing purposes.

In order to initiate any bonding proposition for the above purposes, a petition signed by not less than twenty per cent (20%) of the electors of the county who are qualified under section 75-6411 75-6410 shall be presented to the trustees of the county high school. Such petition shall request the submission of a bond proposition to the qualified electors of the county, and shall specify the purpose or purposes of the proposed bond issue and the amount of bonds to be issued. Such petition shall conform with the petition requirements prescribed in section 75-7112. If the trustees of the county high school approve a validated petition for a bond proposition, they shall request the board of county commissioners of the county to submit such bond proposition to the qualified electors of the county."

Section 12. Section 75-7205, R.C.M., 1947, is amended to read as follows:

"75-7205. Purpose and authorization of a building reserve fund by an election. The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping or enlarging of school buildings or other buildings needed for school purposes in the district. In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies: (1) the purpose or purposes for which the new or addition to the building reserve will be used;

(2) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(3) the total amount of money that will be raised during the duration of time specified in subsection (2); and

(4) any other requirements under section 75-6406 for the calling of an election.

The total amount of building reserve when added to the outstanding indebtedness of the district shall not be more than five per cent (5%) of the value of the taxable property of the district. Such limitation shall be determined in the manner provided in section 75-7104. A building reserve tax authorization shall not be for more than twenty (20) years.

The election shall be conducted in accordance with the school election laws of this title and the electors qualified to vote in the election shall be qualified under the provisions of section 75-6411 75-6410. The ballot for a building reserve proposition shall be substantially in the following form:

OFFICIAL BALLOT

SCHOOL DISTRICT BUILDING RESERVE ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BUILDING RESERVE - YES" if you wish to vote for the establishment of a building reserve (addition to the building reserve); if you are opposed to the establishment of a building reserve (addition to the building reserve) make an X or similar mark in the square before the words "BUILDING RESERVE - NO."

Shall the trustees be authorized to impose an additional levy each year for _____ years to establish a building reserve (add to the building reserve) of this school district to raise a total amount of _____ dollars (\$_____), for the purpose(s) _____ (here state the purpose or purposes for which the building reserve will be used).

☐ BUILDING RESERVE - YES

☐ BUILDING RESERVE - NO

The building reserve proposition shall be approved if a majority of those electors voting at the election approve the establishment of or addition to such building reserve. The annual budgeting and taxation authority of the trustees for a building reserve shall be computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve shall lapse when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve shall be used for such purpose or purposes before any money realized by the bond issue is used."

Section 13. Section 75-6411, R.C.M., 1947, is repealed.

Section 14. This act is effective immediately upon passage and approval.

APPENDIX C

BILL NO. _____

INTRODUCED BY _____

75-7011

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-7011, R.C.M., 1947, PROVIDING FOR LIABILITY INSURANCE FOR SCHOOL BUSES."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-7011, R.C.M., 1947, is amended to read as follows:

"75-7011. Power of trustees to purchase and operate bus, contract for bus services, operate a two-way radio, and insure either type of bus. The trustees of any district shall have the power to: (1) purchase or rent a school bus;

(2) purchase or rent a two-way radio for a school bus when the trustees authorize a two-way radio as standard equipment in a school bus because such bus is operated where weather and road conditions may constitute a hazard to the safety of the school pupil passengers;

(3) provide for the operation, maintenance and insurance of a school bus or a two-way radio owned or rented by the district; or

(4) contract with a private party for the transportation of eligible transportees and such contract shall not exceed the term of five (5) years.

When the trustees authorize a two-way radio as standard equipment on a school bus, the two-way radio may be operated on the same frequency as that used by the Montana highway patrol and the sheriff of the county when their permission and the permission of the federal communications commission is secured. If permission is not secured from these agencies, the frequency assigned by the federal communications commission shall be used for the operation of the two-way radios.

When the trustees contract with any private party to provide transportation to eligible transportees, the private party shall comply in every respect with the regulations of the board of education for the standards of equipment, operation and safety of the school bus, and qualifications of the driver. The trustees may, in contracting with private parties, require added safeguards by supplementing the board of education policies in the contract with additional requirements for bus specifications, age of drivers, liability insurance, operating speed or any other contractual condition deemed necessary by the trustees.

Whenever a bus is owned and operated by a district or the bus is operated by a private party under a contract but no condition of such contract requires the private party to carry liability insurance, the trustees shall carry automobile bodily injury and liability insurance in an amount not less than ~~seven thousand five hundred dollars - (\$7,500.00)~~ ten thousand dollars (\$10,000) per person and ~~fifty thousand dollars - (\$50,000.00)~~ one hundred thousand dollars (\$100,000) for each accident for each bus operated by or under contract with the district.

When a district purchases a school bus, the trustees may purchase such school bus under an installment contract which will be completely executed

within three years from the date of the purchase. The trustees also may purchase a school bus without advertising for bids under the provisions of section 75-6808."

APPENDIX D

_____ BILL NO. _____

INTRODUCED BY _____

75-7015

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-7015, R.C.M., 1947, RELATING TO SCHOOL BUS TRANSPORTATION."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-7015, R.C.M., 1947, is amended to read as follows:

"75-7015. Duties of the county transportation committee. It shall be the duty of the county transportation committee to: (1) establish the transportation service areas within the county, without regard to district boundary lines, which will define the geographic area of responsibility for school bus transportation for each district that operates a school bus transportation program;

(2) approve, disapprove, or adjust the school bus routing submitted by the trustees of each district in conformity with the transportation service areas established in subsection (1);

(3) approve, disapprove, or adjust applications, approved by the trustees, for increased reimbursements for individual transportation due to isolated conditions of the eligible transportee's residence; and

(4) conduct hearings to establish the facts of transportation controversies which have been appealed from the decision of the trustees, and act on such appeals on the basis of the facts established at such hearing.

After a fact-finding hearing and decision on a transportation controversy, the trustees or a patron of the district may appeal such decision to the superintendent of public instruction who shall render a decision on the basis of the facts established at the county transportation committee hearing.

The trustees of any district which objects to a particular school bus route or transportation service area to which it has been assigned may request a transfer to another school bus route or transportation service area. The county transportation committee may transfer the territory of such district to an adjacent district's transportation service area or approved school bus route with the consent of such adjacent district. ~~When the qualified electors of the district object to the decision of the county transportation committee and the adjacent district is willing to provide school bus service, twenty percent (20%) of the qualified electors, as prescribed in section 75-6410, may petition the trustees to conduct an election on the proposition that the territory of such district be transferred for school bus transportation purposes to such consenting, adjacent district. When a satisfactory petition is presented to the trustees, the trustees shall call an election in accordance with section 75-6406 for the next ensuing regular school election day. Such election shall be conducted in accordance with the school election laws. If a majority of those voting at such election approve the transfer, it shall become effective on the first day of July of the ensuing school fiscal year.~~

Unless a transfer of a district from one transportation service area or approved school bus route to another such area or route is approved by the

county transportation committee and the superintendent of public instruction, the state transportation reimbursement shall be limited to the reimbursement amount for school bus transportation to the nearest operating public elementary school or public high school, whichever is appropriate for the affected pupils."

APPENDIX E

_____ BILL NO. _____

INTRODUCED BY _____

23-3023, 23-3027

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 23-3023 AND 23-3027, R.C.M., 1947, PROVIDING FOR PRECINCT REGISTERS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 23-3023, R.C.M., 1947, is amended to read as follows:

"23-3023. Printing of list of electors shown on precinct registers.

(1) The registrar shall have a list printed of all registered electors shown on the precinct registers of the county, city, or ~~first-class~~ school district ten (10) days or more preceding any election.

(2) The list shall show the name of the elector in full, the number and street of his residence if he resides within a city, his post-office address if he resides outside a city, the number of the school district in which he resides, and the registry number.

(3) Ten (10) days or more before any election, a copy of the list of registered voters shall be posted in each precinct. Sufficient copies of the lists shall be retained by the registrar and furnished to an elector upon request.

(4) If no declarations of nomination have been filed forty (40) days before a primary election for city offices, the city clerk shall immediately notify the registrar in writing and the list of registered electors for the city shall not be printed or posted.

(5) The list of registered voters prepared for a primary election may be posted and used for the general election only if a supplemental list giving the names of electors who have registered after the first list was prepared is printed and posted.

(6) The expense of printing this list shall be paid by the county, city, or school district, in which the election is to be held."

Section 2. Section 23-3027, R.C.M., 1947, is amended to read as follows:

"23-3027. Charges to city or school district -- warrant -- when no precinct registers required. (1) For each name entered on a precinct register prepared for a city or ~~first-class~~ school district, the registrar shall charge the city or school district three cents (\$.03). He shall also charge the actual expense incurred in printing and posting the lists of electors, publishing notice, and other expenses incurred on account of the city or school district.

(2) The council or board of school trustees shall order a warrant drawn for the expenses specified in subsection (1) of this section within thirty (30) days after notification of the charges.

(3) If no general city election is required, the registrar shall not prepare precinct registers.

(4) If there are only as many candidates nominated as there are vacancies on a ~~first-class~~ school district board of trustees, the registrar shall not prepare precinct registers.

(5) Within two (2) days after nominations are legally closed, the city clerk or clerk of a ~~first-class~~ school district shall notify the registrar when no precinct registers are required."

APPENDIX F

_____ BILL NO. _____
INTRODUCED BY _____

75-6520

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-6520, R.C.M., 1947, PROVIDING FOR THE ESTABLISHMENT OF HIGH SCHOOL DISTRICTS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-6520, R.C.M., 1947, is amended to read as follows:

"75-6520. Establishment of high school districts in a county. The trustees of a high school located in a county, which has not been divided into high school districts or become a high school district by county high school unification, may request the division of the county into a high school district or districts. The request shall be sent to the county superintendent. ~~A high school district or districts shall not be created in a county having a population of more than forty-five thousand (45,000) based on the United States census of 1930.~~"

APPENDIX G-1

_____ BILL NO. _____

INTRODUCED BY _____

75-8112

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-8112, R.C.M., 1947, PROVIDING FOR THE ORGANIZATION OF A COMMUNITY COLLEGE DISTRICT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-8112, R.C.M., 1947, is amended to read as follows:

"75-8112. Determination of approval or disapproval of proposition and subsequent procedures if approved. The proposal to organize the community college district, to carry, must receive a majority of the total number of votes cast thereon and the superintendent of public instruction, from the results so certified and attested, shall determine whether the proposal has received the majority of the votes cast thereon for each county or part of a county within the proposed district and shall certify the results to the board of education. Should the certificate of the superintendent of public instruction show that the proposition to organize such community college district has received a majority of the votes cast thereon in each county ~~or-part-of-a-county~~ within the proposed district, the board of education shall make an order declaring the community college district organized and cause a copy thereof to be recorded in the office of the county clerk and recorder in each county in which a portion of such new district is located. ~~If-the-proposition-carries-in-some-county-or-counties-or-parts-of-counties-but-not-in-all-portions-of-the-area-sought-to-be-included-within-the-district, the-board-of-education-shall-determine-whether-the-area-in-which-the-proposition-carried-by-a-majority-vote-meets-the-assessed-valuation-and-high-school-pupil-enrollment-requirements-for-the-organization-of-a-community-college-district, and-if-so, shall-establish-the-boundaries-and-make-an-order-declaring-the-community-college-district-organized-in-the-area-in-which-the-proposition-has-carried-by-a-majority-vote.~~ If the proposition carries, the board of education also shall determine which candidates have been elected trustees. Should the proposition to organize the community college district fail to receive a majority of the votes cast thereon, no tabulation shall be made to determine the candidates elected trustees.

Within thirty (30) days of the date of the organization order, the board of education shall set a date and call an organization meeting for the board of trustees of the community college district and shall notify the duly elected trustees of their membership and of the organization meeting. Such notification shall designate a temporary chairman and secretary for the purposes of organization."

APPENDIX G-2

_____ BILL NO. _____

INTRODUCED BY _____

75-8125

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-8125, R.C.M., 1947, PROVIDING FOR ANNEXATION OF ELEMENTARY DISTRICTS BY A COMMUNITY COLLEGE DISTRICT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-8125, R.C.M., 1947, is amended to read as follows:

"75-8125. Annexation of territory of districts to community college district. ~~Whenever the board of trustees of a community college district so resolves or whenever~~ Whenever ten per cent (10%) of the registered electors of an elementary district or districts of one county petition the board of trustees of a community college district for annexation of the territory encompassed in such elementary school districts, the board of trustees of the community college district shall order an annexation election in the area defined ~~by the resolution or~~ by the petition. Such election shall be ordered within sixty (60) days of the receipt of the petition ~~or passage of the resolution.~~

The election shall be conducted in the proposed area for annexation in accordance with the requirements of the community college organization election except that the board of trustees of the community college shall perform the requirements of the board of education and there shall not be an election of the board of trustees of the community college.

The proposition on the ballot shall be as follows:

"Shall school districts _____ be annexed to and become a part of the community college district of _____ Montana?

☐ For Annexation

☐ Against Annexation"

To carry, the proposal to annex must receive a majority of the total votes cast thereon. Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed area to be annexed, the board of trustees of the community college district shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution shall be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed and upon such filing, the area to be annexed shall then become a part of the community college district."

APPENDIX G-3

_____ BILL NO. _____

INTRODUCED BY _____

75-8117

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-8117, R.C.M., 1947, PROVIDING FOR NOTICE OF SPECIAL MEETINGS OF THE BOARD OF TRUSTEES."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-8117, R.C.M., 1947, is amended to read as follows:

"75-8117. Board of trustees meetings, quorum, travel, reimbursements and seal. The board of trustees of the community college shall hold monthly meetings within the community college district on such day of the month the trustees may set. The president and secretary of the board or a majority of the board may also call special meetings of the board of trustees at any time and place within the community college district, if in their judgment necessity requires it. The secretary of the board shall ~~notify-the-members-of-all special-meetings~~ give each member a forty-eight (48) hour written notice of all special meetings.

A majority of the board of trustees shall constitute a quorum for the transaction of business except that no contract shall be let, teacher employed or dismissed, or bill approved unless a majority of the total board membership shall vote in favor of such action.

The members of the board of trustees shall receive ten cents (10¢) per mile for the distance necessarily traveled in going to and returning from the place of the meeting and his place of residence each day that such trip is actually made.

The board shall keep a common seal with which to attest its official acts."

APPENDIX H

_____ BILL NO. _____

INTRODUCED BY _____

75-6808

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-6808, R.C.M., 1947, RELATING TO PECUNIARY INTERESTS OF A TRUSTEE IN SCHOOLS OF HIS DISTRICT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-6808, R.C.M., 1947, is amended to read as follows:

"75-6808. Pecuniary interests, letting contracts and calling for bids under certain circumstances. It shall be unlawful for any trustee to (1) have any pecuniary interest, either directly or indirectly, in the erection of any school building, or for warming, ventilating, furnishing, or repairing the same, or (2) be in any manner connected with the furnishing of supplies for the maintenance and operation of the schools, or (3) be employed in any capacity by the school district of which he is trustee.

The trustees of any district shall not let any contract for building, furnishing, repairing or other work for the benefit of the district, or purchasing supplies for the district, without first advertising in a newspaper that will give notice to the largest number of people of the district as determined by the trustees for at least two (2) weeks, calling for bids to perform such work or to furnish such supplies, except: (1) the trustees of a third-class district only maintaining elementary schools with fewer than three (3) rooms may contract for such work or supplies without advertising and without bids, when the amount involved is less than eight hundred dollars (\$800);

(2) the trustees of a third-class district, other than those described in subsection (1), may contract for such work or supplies, without advertising and without bids, when the amount involved is less than fifteen hundred dollars (\$1,500); and

(3) the trustees of a second-class district or a first-class district may contract for such work or supplies, without advertising and without bids, when the amount involved is less than two thousand five hundred dollars (\$2,500).

In all cases where bidding is required, the trustees shall award the contract to the lowest responsible bidder except that the trustees shall have the right to reject any or all bids.

With regard to contracting for work or supplies, the board of trustees of a community college district shall be subject to the provisions of section 75-8118."

APPENDIX I

_____ BILL NO. _____

INTRODUCED BY _____

75-8411, 75-8428, 75-8412, 75-8413, 75-8414, 75-8415, 75-8416, 75-8417,
75-8418, 75-8419, 75-8420, 75-8421

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF THE AGRICULTURAL EXPERIMENT STATION BY AMENDING SECTIONS 75-8411, 75-8428 AND REPEALING IN THEIR ENTIRETY SECTIONS 75-8412, 75-8413, 75-8414, 75-8415, 75-8416, 75-8417, 75-8418, 75-8419, 75-8420, 75-8421 OF THE HIGHER EDUCATION LAWS RECODIFICATION OF THE 42ND SESSION LAWS OF MONTANA."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-8411, R.C.M., 1947, is amended to read as follows:

"75-8411. Agricultural experiment station -- establishment, purpose.

(1) There is established at Montana-state-university, the state university at Bozeman, and under its direction, an agricultural experiment station, by act-of-Congress virtue of the Hatch Act, approved by Congress on March 2, 1887. The provisions, donations, and benefits contained in that act and all acts supplementary thereto, or amendatory thereof, are accepted and adopted by the state of Montana.

(2) The agricultural experiment station shall have for its purpose aid in acquiring and diffusing among the people of Montana useful and practical information and experiments respecting agriculture, and to promote scientific investigation and experiments respecting the principles and application of agricultural science. The purpose of the agricultural experiment station shall be to conduct and promote studies, scientific investigations and experiments relating to agriculture, natural resources and rural life, and to diffuse information thereby acquired among the people of Montana.

(3) The agricultural experiment station shall include, in addition to the central location at Bozeman, the designated research centers and other affiliated testing and research facilities."

Section 2. Section 75-8428, R.C.M., 1947, is amended to read as follows:

"75-8428. Purposes of northern Montana college. (1) Northern Montana college has for its purpose, instruction and education in:

(a) the English language, history, literature, mathematics, bookkeeping, moral philosophy, and political, rural and household economy;

(b) mechanical arts, agricultural chemistry, animal and vegetable anatomy and physiology, and veterinary art;

(c) entomology, geology, and such other natural sciences as may be prescribed by the regents;

(d) agriculture, horticulture, and especially the application of science and the mechanical arts to practical agriculture in the field;

(e) irrigation and use of water for agricultural purposes; and

(f) all that relates to an efficient, modern manual training school.

~~{2}--There-is-established-a-northern-Montana-branch-agricultural-experimental-substation-at-Havre-under-the-direction-of-the-directors-of-the-agricultural-experiment-station-and-the-general-control-of-the-regents-~~

~~{a}--Its-purposes-shall-be-to-aid-in-acquiring-and-diffusing-among-the-people-of-Montana-useful-and-practical-information-on-subjects-connected-with-field-agriculture,-and-to-promote-scientific-investigation-and-experiments-respecting-the-principles-and-application-of-agricultural-science-~~

Section 3. "Duties of director of the agricultural experiment station. The director shall have the immediate direction, management and control of the agricultural experiment station, subject to the general supervision, direction and control of the regents and the president of the state university."

Section 4. "Agricultural research centers. The following agricultural research centers are established as a part of the agricultural experiment station: (1) the central agricultural research center, located near Moccasin;

(2) the western agricultural research center, located near Corvallis;

(3) the northern agricultural research center, located near Havre;

(4) the southern agricultural research center, located near Huntley;

(5) the northwestern agricultural research center, located near Kalispell;

(6) the eastern agricultural research center, located near Sidney. .

All research centers shall be under the general supervision of the director of the agricultural experiment station."

Section 5. "Montana wool laboratory -- designation -- purpose: (1) There is established as a part of the agricultural experiment station the Montana wool laboratory.

(2) The purpose of the laboratory shall be the carrying on of effective scientific and practical research and testing work to develop as complete and accurate a knowledge of wools as possible.

(3) The wool laboratory shall be under the general direction of the director of the agricultural experiment station."

Section 6. "Montana grain and seed laboratory. (1) There is established as a part of the agricultural experiment station the Montana grain and seed laboratory.

(2) The purpose of the laboratory shall be the carrying on of effective scientific and practical research and testing work to develop as complete and accurate a knowledge of grains and seeds as possible.

(3) The laboratory shall be under the general direction of the director of the agricultural experiment station."

Section 7. "The director, with the consent of the regents, may accept on behalf of the state of Montana, for the use of the agricultural experiment station, donations of real property, money, implements, scientific equipment, building materials, animals, supplies, and any other gifts considered beneficial by the director. Such donations may be accepted from both public and private sources, including the government of the United States."

Section 8. "The director of the agricultural experiment station may

take appropriate steps to qualify for and receive grants and other forms of assistance made available by the government of the United States and may enter into agreements with governmental agencies for cooperative research studies."

Section 9. "Any income received from the sale of agricultural products and services by the agricultural experiment station shall be deposited in the state treasury and shall be used to defray the costs of operating the station."

Section 10. Sections 75-8412, 75-8413, 75-8414, 75-8415, 75-8416, 75-8417, 75-8418, 75-8419, 75-8420, and 75-8421 are repealed.

APPENDIX J

_____ BILL NO. _____

INTRODUCED BY _____

75-8511

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 75-8911, CHAPTER 85 OF TITLE 75, OF THE HIGHER EDUCATION LAWS RECODIFICATION OF THE 42ND SESSION LAWS OF MONTANA BY DELETING SECTIONS (3) AND (4) IN THEIR ENTIRETY."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 75-8511, R.C.M., 1947, is amended to read as follows:

"75-8511. Powers of local executive boards. Each local executive board shall: (1) Meet at least once in each quarter, and more often if required.

(2) Have such immediate direction and control, other than financial, of the affairs of the respective units as may be conferred by the regents.

~~{3}--Have-and-exercise-power-and-authority-to:~~

~~{a}--Contract-current-expense:~~

~~{b}--Audit, pay, and report bills for salaries, or other expenses of the respective units:~~

~~{i}--The board of examiners may not limit the power of the local executive boards in making expenditures or contracts which in no single instance or for any single purpose do not exceed two hundred and fifty dollars-{\$250}-~~

~~{4}--On or before the first Monday in June of each year, make a detailed report of:~~

~~{a}--All its transactions and of the condition of the unit;~~

~~{b}--The salary and number of teachers, professors, and employees;~~

~~{c}--A detailed statement of all expenses and disbursements of the unit and any other information or recommendations as may be required by the state board of examiners, or by the state board of examiners and the board;~~

~~{i}--The regents and the state board of examiners may call for a report and statement from each local executive board at any time;~~

~~{d}--All reports shall be made in triplicate, one copy for the local executive board, one copy for the regents and one for the state board of examiners."~~

